

App. No. 10/743,930
Attorney Docket 3016.2.3 NP

Remarks

Applicant thanks the Examiner for the Written Office Action. In particular, Applicant thanks Examiner for the allowance of claims 10-29 and for the two new prior art references.

Claim Rejections – 35 U.S.C. §102

Examiner has rejected claims 30-34 under 35 U.S.C. §102(b) as being clearly anticipated by Kasen *et al.* (U.S. 5,867,861). Examiner has also rejected claims 37-45 under 35 U.S.C. §102(b) as being clearly anticipated by Kohlenberger *et al.* (U.S. 4,275,478).

Claim 30 has been amended to include at least one element that is not taught, either expressly or impliedly, in the Kasen patent. The Kasen patent does not expressly or impliedly teach a first and a second contact point, each extending from the first member and each configured to be in direct physical communication with the fabric when the device is in operation, neither contact point on a line orthogonal to the first member. Because claim 30 now includes at least one element not taught either expressly or impliedly by the Kasen patent, Applicant respectfully requests that Examiner reconsider the rejection of claims 30-34 as being anticipated by Kasen.

As to the rejection of claims 37-45, Applicant respectfully traverses this rejection because the independent claim (claim 37) on which all of the these claims depend includes an element not taught, either expressly or impliedly, by the Kohlenberger patent. Claim 37 requires the vacuum head device to include “a channel extending through the leading member and configured to be *in direct physical contact with the fabric.*”

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(emphasis added). The Kohlenberger patent discloses a squeegee-plate with bleed holes. However, the bleed holes of the squeegee-plate of the Kohlenberger patent are not configured to be in direct physical contact with the fabric. The bleed holes are designed "so that, on reversing of the movement, these will serve to break the suction to permit pivotal movement in operation." See Column 3, lines 14-16. As can be seen in Figures 1 and 2, the bleed holes are well above the floor-contacting surfaces of the invention of the Kohlenberger patent.

Further, the bleed holes of the squeegee-plate are on the trailing member, not the leading member of the vacuum head. Claim 37 of the present invention requires that the channel extend through the leading member. The bleed holes of the Kohlenberger patent, however, are on the squeegee plate that becomes the trailing member in use. The Kohlenberger patent describes that when the extractor head is moved across a floor, "the rigid squeegee-plate will move pivotally into engagement with the [sic] either the front, or alternatively, the rear plate." Column 2 line 67 through Column 3 line 1. Thus, when the head is pushed in one direction, the squeegee-plate pivots to rest against the trailing plate, thus becoming a trailing member, not the leading member. In Claim 37 of the present invention, it is the leading member, not the trailing member that includes the channel. Thus, there is at least one element of the only independent claim (37) on which all dependent claims 38-45 depend that is not taught expressly or impliedly by the Kohlenberger reference. As a result, the present invention cannot be anticipated by the Kohlenberger reference. Applicant requests that Examiner withdraw the rejection of claims 37-45.

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Claim Rejections – 35 U.S.C. § 103

Examiner has rejected claims 35-36 under 35 U.S.C. §103(a) as being unpatentable over Kasen. Examiner states that the Kasen patent does not disclose the claimed semi-circular shapes, but such shapes are an “obvious matter of design choice.” Applicant respectfully traverses the rejection.

Claims 35-36 depend directly or indirectly on independent claim 30. MPEP § 2143 states that a prima facie case of obviousness requires (among other things) that the prior art reference must teach or suggest all of the claim limitations. As discussed above, claim 30 has been amended to include an element that is neither taught nor suggested by the Kasen patent. Dependent claims necessarily include all of the elements of the claims upon which they depend. Because claims 35 and 36 then include an element neither taught nor suggested by the Kasen patent, Applicant respectfully traverses the rejection, and asks that Examiner withdraw the rejection.

Amendments to Claim 37

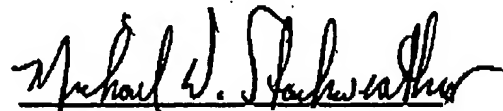
Claim 37 was amended to correct a lack of antecedent basis and a typographical error.

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Conclusion

For these reasons, it is believed that none of the prior art teaches the claimed invention. Furthermore, it is believed that the foregoing amendment has adequate support in the specification, and accordingly there should be no new matter. Applicant believes the pending claims have addressed each of the issues pointed out by the Examiner in the Office Action. In light of the foregoing amendment, the claims should be in a condition for allowance. Should the Examiner wish to discuss any of the proposed changes, Applicant again invites the Examiner to do so by telephone conference.

Respectfully Submitted,


Michael Starkweather
Registration No. 34,441
Attorney for Applicant

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Michael Starkweather
Starkweather and Associates
9035 South 1300 East
Suite 200
Sandy, Utah 84094
Telephone: 801/272-8368